

LUNSFORD DOLE PHILLIPS #4407

1620 Pioneer Plaza

900 Fort Street Mall

Honolulu, Hawaii 96813

Telephone: (808) 533-1734

Attorney for Plaintiff

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JUN 09 2008

at _____ o'clock and _____ min. _____ M.
SUE BEITA CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

DALE MARCZAK

Plaintiff,

vs.

CLUB FNU, INC.,

dba CLUB FEMME NU

Defendant.

CIVIL NO. C V 08

00271

DAE

KS

COMPLAINT; SUMMONS

COMPLAINT

Plaintiff DALE MARCZAK, through his undersigned counsel, avers and alleges as follows:

JURISDICTION AND VENUE

1. This court has original jurisdiction pursuant to 28 U.S.C. § 1331 through the federal question raised herein, namely the alleged violation of the Americans With Disabilities Act of 1990 (hereinafter "ADA"), 42 U.S.C. §§ 12101 et seq., and has pendant jurisdiction over the parallel state law claim.

2. All events material hereto occurred within the District of Hawaii.

3. The plaintiff is a person with a disability who as a past and future patron of the defendant is or is about to be subjected to unlawful discrimination.

4. The defendant is a public accommodation, operating one or more places of public accommodation, including a cocktail lounge located at 1673 Kapiolani Blvd. in Honolulu that falls under the ambit of the ADA, 42 U.S.C. §§ 12181 et seq. and is amenable to suit by any aggrieved person with disability for violation of the ADA and/or Hawaii Revised Statute § 347-13.

5. The defendant has violated the ADA and Hawaii Revised Statute §347-13 by denying the plaintiff equal accommodations and not complying with the ADA, having failed to eliminate readily achievable architectural barriers to equal accessibility, including but not limited to only inaccessible restrooms.

THEREFORE, THE PLAINTIFF RESPECTFULLY REQUESTS THE COURT enter judgment for the plaintiff and against the defendant and order the following relief:

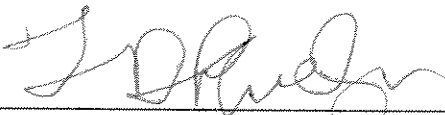
A) A permanent injunction ordering the defendant's full compliance with the ADA within ninety (90) days;

B) Monetary damages in the amount of \$1,000.00 as provided for in Hawaii Revised Statute § 347-13.5;

C) Payment of plaintiff's litigation costs, including reasonable expert and attorney's fees; and

D) Such other relief as the court deems proper.

DATED: Honolulu, Hawaii, 6/5/08.



LUNSFORD DOLE PHILLIPS
Attorney for Plaintiff

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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

DALE MARCZAK)	CIVIL NO.
)	
Plaintiff,)	SUMMONS
)	
vs.)	
)	
CLUB FNU, INC.,)	
dba CLUB FEMME NU)	
)	
Defendant.)	
_____)	

SUMMONS

STATE OF HAWAII

To the above-named defendant(s):

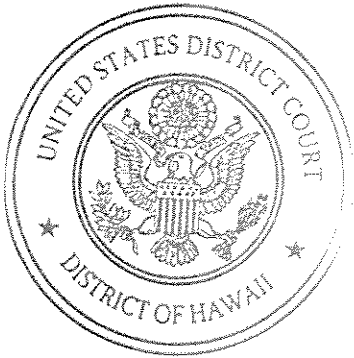
YUN HEE IM, Registered Agent
c/o Club FNU, Inc.
2122 Young Street
2nd Floor
Honolulu, Hawaii 96826

You are hereby summoned and required to serve upon plaintiff's attorney, whose address is stated above, an answer to the COMPLAINT which is attached hereto. This action must be taken within 20 days after service of this summons upon you, exclusive of the date of service.

If you fail to make your written answer within the 20-day time limit, judgment by default will be taken against you for the relief demanded in the COMPLAINT.

JUN 09 2008

DATED: Honolulu, Hawaii, _____.



SUE BEITIA

Clerk of the above-entitled court

/s/ Gary Santos

Deputy Clerk of the above-entitled court

THIS SUMMONS SHALL NOT BE PERSONALLY DELIVERED BETWEEN 10:00 P.M. AND 6:00 A.M. ON PREMISES NOT OPEN TO THE PUBLIC, UNLESS A JUDGE OF THE ABOVE-ENTITLED COURT PERMITS, IN WRITING ON THIS SUMMONS, PERSONAL DELIVERY DURING THOSE HOURS.

FAILURE TO OBEY THE SUMMONS MAY RESULT IN AN ENTRY OF DEFAULT AND DEFAULT JUDGMENT AGAINST THE PERSON SUMMONED.